



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**Two Gateway Center**  
**Newark, NJ 07102**  
**[www.nj.gov/bpu/](http://www.nj.gov/bpu/)**

**CUSTOMER ASSISTANCE**

ROBERT PHILLIPS,  
Petitioner,

v.

SOUTH JERSEY GAS COMPANY,  
Respondent.

) ORDER ADOPTING INITIAL  
) DECISION IN PART AND  
) MODIFYING IN PART  
)  
)  
) BPU DOCKET NO. GC06090655U  
) OAL DOCKET NO. PUC 4596-07

(SERVICE LIST ATTACHED)

**BY THE BOARD:**

By petition filed on September 20, 2006, Robert Phillips (Petitioner) alleged that he had been improperly billed by South Jersey Gas Company (Respondent) as a result of a non-registering gas meter. After receipt of Respondent's answer, the Board of Public Utilities (Board) transmitted this matter to the Office of Administrative Law (OAL) for hearing as a contested case.

On April 22, 2008, Administrative Law Judge (ALJ) Bruce M. Gorman submitted his Initial Decision in this matter to the Board. The Board requested and the OAL granted an extension in order to further review this matter. No exceptions to the Initial Decision have been filed with the Board.

The procedural history, factual discussion, and conclusions of law in this matter are set forth in sufficient detail in the Initial Decision and need not be restated herein. As to one aspect of the Initial Decision, the Board notes that, in calculating the amount owed by Petitioner to Respondent, the ALJ deducted the "service charge" based on the ALJ's determination and the testimony that a "service charge" covers the cost of reading the meter. Respondent's "service charge," described in its Board-approved tariff as the "customer charge," covers more than just the meter reading. The Board's regulation in existence at the time also allowed a billing adjustment in a situation such as this. Therefore, the Board does not adopt the ALJ's reasoning for the deduction of the \$257.22 service charge.

However, upon review of the record and in light of the fact that neither party to this case filed exceptions to the Initial Decision, the Board will allow the \$257.22 deduction from the amount owed by Mr. Phillips. Because neither party took exception to the Initial Decision, it appears to the Board that the parties agree to the payment of \$1064.06<sup>1</sup> less the \$257.22 as resolution of the billing dispute. Furthermore, because an order of remand for more proceedings would cause the parties, the Board, and the OAL to spend more resources on the issue of the \$257.22 deduction, the Board finds that, under these circumstances, payment of \$806.84 is an acceptable resolution.<sup>2</sup> Board Staff may also consider recommending amendments to the Board's regulations. Thus, the Board adopts in part the ruling of the ALJ, but not the conclusions and reasoning set forth by the ALJ for the \$257.22 deduction.


The Board HEREBY ADOPTS the Initial Decision in part and MODIFIES the Initial Decision in part so as to not adopt the ALJ's conclusions and rationale with regard to the \$257.22 deduction.

DATED: 7/16/08

BOARD OF PUBLIC UTILITIES  
BY:



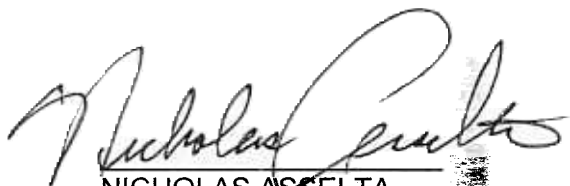
JEANNE M. FOX  
PRESIDENT



FREDERICK F. BUTLER  
COMMISSIONER



JOSEPH L. FIORDALISO  
COMMISSIONER



NICHOLAS ASSELTA  
COMMISSIONER



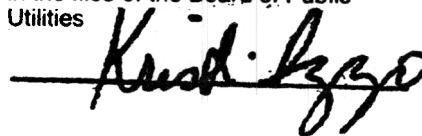
ELIZABETH RANDALL  
COMMISSIONER

ATTEST:



KRISTI IZZO  
SECRETARY

I HEREBY CERTIFY that the within  
document is a true copy of the original  
in the files of the Board of Public  
Utilities



<sup>1</sup> The Board notes that the ALJ references the final amount contested as \$1064, but Respondent's Answer lists the amount as \$1064.06. Therefore, the Board will use the amount listed in the Answer.

<sup>2</sup> In addition, the ALJ references the total amount owed as \$806.78, \$808.78, and \$808.28. (Initial Decision 5.) In calculating the award, the Board notes that the proper amount is \$806.84.

**ROBERT PHILLIPS**

**V.**

**SOUTH JERSEY GAS COMPANY**

**BPU Docket No. GC06090655U**

**OAL Docket No. PUC 4596-07**

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